IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 24101 of 2004

Between:

Vaddamani Dakshina Murhty S/o.Satyanarayana
Yerragondapalem, Village&Mandal,Prakasam Dist.

..... PETITIONER

AND

1 Mandal Revenue Officer, Yerragondapalem Village&Mandal,
2 The District Collector, Ongole, Prakasam Dist.
3 The Joint Collector, Ongole, Prakasam Dist.
4 The Revenue Divisional Officer Markapur, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus, declaring the inaction of the respondent s in not assigning the land of Ac.0-26 cents in Sy.No.82 to the petitioner as illegal and arbitrary and consequently direct the respondents to issue necessary orders assigning the land by receiving the amount of Rs7,800/-.

Counsel for the Petitioner: MR.K.MALLIKARJUNA RAO

Counsel for the Respondent Nos. 1 to 4: GP FOR ASSIGNMENT

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the inaction of the respondents in assigning the land of Ac 0.26 cents in Sy. No. 82 to the petitioner as illegal and arbitrary and consequently to direct the respondents to issue necessary orders to assign the land by receiving the necessary amount there against.

The case of the petitioner is that he is a resident of Yerragondapalem Village. He submitted an application to the 2nd respondent-District Collector for allotment of Ac 0.30 cents of land on payment of market value. The 4th respondent-Revenue Divisional Officer endorsed on the application of the petitioner that the land in question is a Kunta porambok land. But subsequently, the 1st respondent submitted a report to the 4th respondent that there is no kunta on the ground and in an extent of Ac 0-80 cents out of Ac 1.34 cents in Sy.No.82 of Yerragondapalem village Ayyappaswami Baktajana Sangam had constructed a temple, Ac 0.28 cents is covered by Rastha(road) and the remaining extent of Ac 0-26 cents can be allotted to the applicant on payment of market value. However, the 4th respondent inspected the land in question and endorsed that the land cannot be assigned since it is required for communal purpose. Against the said endorsement the petitioner filed an appeal before the 3rd respondent. In turn, the 3rd respondent on 30-05-2003 remanded the matter to the 4th respondent. On 1-10-2003 the 4th respondent issued

directions to the first respondent to issue written orders to the petitioner for remitting an amount of Rs.7,800/- in the Sub-Treasury, Yerragondapalem, and directed the 1st respondent to assign the land to the petitioner. Pursuant to the orders of the 4th respondent, the petitioner applied to the 1st respondent for issuance of challan on 19-11-2003. In spite of this, there was no response in implementing the directions of the 4th respondent by the first respondent. Therefore, he got issued a legal notice to the respondents 1,2, & 4 for implementation of the order of the 4th respondent dated 1-10-2003. But all his efforts went in vain. Hence, the present writ petition.

The only grievance of the writ petitioner seems to be that the 1st respondent is not acting as per the directions of the 4th respondent i.e., Revenue Divisional Officer, Markapur in Rc.No. 646/2003, dt. 1-10-2003.

Having regard to the facts and circumstances of the case, as there is no clear evidence on record except the assertion made by the petitioner in his affidavit, as to whether the 4th respondent has directed the first respondent to assign the land in favour of the petitioner, without expressing any opinion on merits, at this stage, I deem it appropriate to dispose of the writ petition by giving a direction to the 4th respondent to give clear instructions to the first respondent as to whether the land shall be allotted to the petitioner or not and if the petitioner is entitled to such assignment, as per law, the 4th respondent may issue suitable directions without any further delay.

With the above directions, the Writ Petition is disposed of. No costs.

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C.V.RAMULU, J

Dt. 02/02/2005

Kvrk

To

1 The Mandal Revenue Officer, Yerragondapalem Village&Mandal,

2 The District Collector, Ongole, Prakasam Dist.
3 The Joint Collector, Ongole, Prakasam Dist.
4 The Revenue Divisional Officer, Markapur, Prakasam Dist.

5. Two CCs to GP for Assignment, High Court Buildings, Hyderabad(OUT)

6. Two CD copies.